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IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Written statement submitted by the Transnational Radical Party, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[7 March 1997]

Population transfer: a violation of international law

1. Since 1949, when Chinese forces invaded Tibet, there has been a continuous influx of Chinese settlers into Tibet. In recent years this has increased due to the Chinese urbanization of Tibet. This deliberate policy of forcing or inducing people to move into or away from a territory, with the purpose or effect of transforming the demographic composition or political status of a given territory, is recognized as a violation of human rights.

2. On 20 August 1996, the United Nations Committee on the Elimination of Racial Discrimination (CERD) at its forty-ninth session expressed its concern about official Chinese policies in Tibet, in particular with respect to reports concerning incentives granted to members of the Han nationality to settle in autonomous areas, noting that this could result in substantial changes in the demographic composition and in the character of the local society of those areas. CERD recommended to the Chinese authorities that any policies or practices that might result in a substantial alteration in the demographic composition of autonomous areas be reviewed.

3. China's population transfer into Tibet has resulted in discrimination in housing, education, employment and social services. Because one of the aims of the transfer of Chinese settlers is to eradicate the Tibetans' distinct racial, cultural and national identity, it is discriminatory in and of itself. This has also been recognized by the United Nations Subcommission on Prevention of Discrimination and Protection of Minorities in its report on the human rights dimension of population transfers (E/CN.4/Sub.2/1993/17).

4. The large-scale transfer of Chinese into Tibet violates humanitarian and human rights law, including treaties which China itself has ratified. These include the International Convention on the Elimination of All Forms of Racial Discrimination, signed by China in 1982, and the Fourth Geneva Convention. Article 49 of the latter prohibits any Occupying Power from deporting or transferring parts of its own civilian population into the territory it occupies. The application of article 49 extends for the duration of the occupation when China exercises the functions of government in Tibet. Article 47 extends the Convention's protections regardless of the de facto status of Tibet today.

Facts and figures

5. The Chinese population within the region encompassing what Tibetans refer to as Tibet (both the Chinese-designated Tibet Autonomous Region (TAR) and the Tibetan autonomous prefectures incorporated into Qinghai, Gansu, Sichuan and Yunnan provinces) has increased substantially since 1949. At that time, according to both Tibetan and Chinese statistics, there were virtually no Chinese in the TAR and only a few hundred thousand in the bordering provinces. According to Chinese statistics, by 1953, there were 426,000 Chinese in the areas of Qinghai, Gansu, Sichuan and Yunnan provinces, though still none in the TAR, not counting soldiers. The 1982 census showed 1,541,000 Chinese in Tibet and 92,000 in the TAR.

6. Official Chinese figures for 1990 show lower overall numbers of Chinese (1,508,000) in Tibet, but independent observations indicate that the actual number of Chinese in Tibet is much higher and still growing. For example, the official Chinese census for the TAR in 1990 reported 67,000 Chinese, but a 1993 Chinese report indicated 118,000. On the other hand, a recent fact-finding mission to Tibet (led by Anders Anderson) conservatively estimated the total Chinese population in the remaining areas of Tibet at 5 to 5.5 million. Tibetan government estimates, however, put the number at over 7.5 million.

7. In contrast, the Tibetan population has declined drastically from over 6 million Tibetans in Tibet at the time of the invasion to about 4.6 million today based on Chinese census figures and first-hand observations. Population transfer has therefore made the Tibetans a minority within their own country.

Government policies

8. In 1994, the Chinese Government publicly acknowledged that it encourages and supports migration into Tibet. The Government had previously denied any policy to relocate Chinese into Tibet, but other sources have acknowledged that such a policy has existed for decades.

9. Chinese Government policies and programmes, moreover, encourage a large "floating population" to settle in Tibet. The Government has built housing, schools, hospitals and even shopkeepers' stalls to support the Chinese migration. It has relaxed regulations to make it simpler to open a private enterprise in Tibet and substantial numbers of Chinese are taking advantage. The Government has been building and improving major roads connecting Chinese provinces to Lhasa and other Tibetan cities, and is now working on railroad connections. It recently removed all checkpoints on roads leading from neighbouring provinces to Tibet. The Government also resettles Chinese cadres and technical experts involuntarily and actively recruits others.

10. The impact on Tibetans of the massive transfer of Chinese settlers and soldiers has been devastating. Beginning in the 1950s, Tibetan farms and grasslands have been confiscated and incorporated into collectivized and communal farms. The rapid increase in settlers and soldiers led to the worst famines in Tibet's history, with the death of over 340,000 Tibetans because the land could not support the rapid increase. Ill-conceived efforts to boost productivity of lands suitable only for nomadic grazing or limited farming have resulted in widespread desertification.

11. Economic development projects, including the construction of roads, power plants, housing and office buildings, factories, and large-scale agricultural/irrigation projects, have been carried out with primarily Chinese workers, even in unskilled positions. At the same time, Tibetans are being displaced from farmlands confiscated for construction sites.

12. Housing, schools and hospitals are primarily being built for the inflowing Chinese population, not for Tibetans. In Lhasa recently, thousands of Tibetans were removed from their homes and relocated to the outskirts of the city so that their homes could be razed to build housing for Chinese workers.

Birth control and enforced abortions

13. Perhaps the most insidious practice to accompany the Chinese migration into Tibet is the restriction on child-bearing. Chinese birth-control policy is carried out in the whole of Tibet, in a very systematic and organized manner, through propaganda, coercion and strict regulatory measures.

14. In 1996, the United Nations Special Rapporteur on violence against women reported: "Through [its one-child] policy, the Government of China intrudes into the domestic sphere by regulating and restricting the number of children a married couple may have and, at times, by violently enforcing this policy."

15. Every year the Chinese authorities determine the percentage of childbirth (ranging from 3 to 5 per cent) allowed for each community. It is mandatory for couples who wish to have a child to test their luck in a lottery system. If the couple is unlucky, then the mother, even if she is five or six months pregnant, must undergo an abortion. If a couple produces a child without undergoing the lottery system, they are fined and their child is deprived of a registration card, welfare facilities and educational opportunities in the future.

16. These measures in and of themselves violate the Tibetans' human rights. In the context of massive Chinese migration into Tibet, they can only be explained as a concerted effort to see that the Tibetan people disappears under the waves of Chinese settlers.

Decline in the Tibetan population

17. Even Chinese Government statistics show an overall decline in the Tibetan population since 1949 of over 1.4 million Tibetans, or one quarter of the pre-invasion population (from over 6 million to 4.6 million). Only a little more than 80,000 Tibetans have gone into exile. There is evidence that over 1.2 million Tibetans died as a direct result of the Chinese invasion and occupation from famine, military aggression, imprisonment, execution, torture and suicide. A decline in the Tibetan population of over 100,000 is unaccounted for, even putting aside the natural growth in the Tibetan population that would otherwise be expected.

Conclusion

18. The massive population transfer into Tibet, with accompanying dislocation, discrimination, overburden on the fragile environment and restrictive childbearing practices, is threatening the very existence and survival of the Tibetan people and culture. The genocidal effect of population transfer on the Tibetan people is becoming only clearer with the passage of time.

19. That China's policies in Tibet constitute violations of all human rights, as recognized by international law, has been confirmed by a wide range of United Nations treaty bodies and special rapporteurs. How then is it possible that the United Nations Commission on Human Rights, the principal United Nations body for human rights, has not been able to take action to improve the critical situation of the Tibetans? The Transnational Radical Party strongly calls upon all members of this Commission to make China accountable for its repeated failure to end policies which have deprived the Tibetan people of their human rights and fundamental freedoms. A resolution denouncing the human rights situation in Tibet would be an important first step.